

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-20448

D-1 DUANE PETERSON,

Defendant.

---

**ORDER GRANTING THE GOVERNMENT'S MOTION TO STRIKE DEFENDANT'S  
SEPTEMBER 23, 2022 MOTION TO SUPPRESS**

The motion cut-off date for this matter was June 17, 2022. More than three months after motion cut-off date, and with less than seven weeks away from the stipulated trial date, Defendant filed a motion to suppress. (ECF No. 296.) Three days later, the government moved to strike Defendant's motion for (1) his failure to seek concurrence before filing as required by Local Rule 7.1, and more importantly, (2) being untimely filed without any good cause. (ECF No. 298.) The government's arguments appeared to be well-founded, and the court thus ordered Defendant to show cause, in writing, why the government's motion should not be granted. (ECF No. 304.)

Defendant did not respond to the order to show cause, but instead filed a response to the government's motion to strike. (ECF No. 310.) In his response, Defendant states that the court allowed Defendant to file a supplement to an earlier-filed motion to suppress and vaguely implies that, therefore, the instant motion is timely. The court disagrees. The court denied Defendant's earlier-filed motion to suppress, along with its supplement, on August 10, 2022. Defendant's pending motion to suppress

raises new issues and was filed over six weeks later---three months after the motion cut-off date. No good cause was presented in the initial motion to explain the delay. No good cause has been presented in Defendant's response brief, and no separate response to the order to show cause was even filed. As such,

IT IS ORDERED that the government's September 26, 2022 motion to strike (ECF No. 298) IS GRANTED, and Defendant's motion to suppress (ECF No. 296) is hereby STRICKEN as untimely.

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 5, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 5, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522

S:\Cleland\Cleland\CHD\Criminal\20-20448.PETERSON.ShowCauseLateFiling.Strike.chd.docx